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Attorneys for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

LUJEAN YOAKAM, A.K.A. LOU JEAN
YOAKAM, an Oregon resident,

Plaintiff,

v.

STATE FARM FIRE AND CASUALTY
COMPANY and WELLS FARGO HOME
MORTGAGE, INC., A DIVISION OF
WELLS FARGO BANK, N.A.,

Defendants.

Case No. 6:15-cv-478

NOTICE OF REMOVAL

TO: THE CLERK OF THE UNITED STATES DISTRICT COURT, DISTRICT OF OREGON;
PLAINTIFF, BY AND THROUGH HER ATTORNEY, MANUAL C. HERNANDEZ; AND
DEFENDANT WELLS FARGO HOME MORTGAGE, INC., A DIVISION OF WELLS
FARGO BANK, N.A., BY AND THROUGH ITS ATTORNEY, PILAR FRENCH:

Defendant State Farm Fire and Casualty Company (“State Farm”) hereby gives notice that this action is removed to this Court from the Circuit Court of the State of Oregon for Coos County. Pursuant to 28 U.S.C. § 1441, State Farm further states as follows:

1. State Farm is a party in a civil action filed in the Circuit Court of the State of Oregon for Coos County, entitled *Lujean Yoakam, A.K.A. Lou Jean Yoakam v. State Farm Fire and Casualty Company and Wells Fargo Home Mortgage, Inc., a Division of Wells Fargo Bank, N.A.* 15CV0087. A copy of the summons and complaint in that action is attached to this notice.

2. The state court action was commenced when the complaint was filed with the clerk for the Circuit Court of the State of Oregon for Coos County on or about February 3, 2015. A copy of the summons and complaint was served on State Farm on or about March 2, 2015, and is attached hereto as Exhibit A.

3. This Removal Notice is timely under 28 USC § 1446(b), in that it is being filed within thirty days of State Farm’s first receipt of the complaint. State Farm has filed no pleadings in the case to date.

4. The following pleadings constitute all of the process, pleadings and orders received by State Farm in this action up to the present time: the initial summons and complaint, a true copy of which is attached hereto.

5. The state court action is a controversy between citizens of different states. The Complaint alleges that Plaintiff is an Oregon resident. State Farm is a company organized under the laws of the State of Illinois, with its principal place of business in Bloomington, Illinois. Upon information and belief, Co-Defendant Wells Fargo Home Mortgage, Inc. (“Wells Fargo”) is organized under the laws of the State of California, with its principal place of business in Des Moines, Iowa.

6. State Farm has conferred with counsel for Co-Defendant, and Co-Defendant consents to the removal of this action. The consent is attached hereto as Exhibit B.

7. This is an action of a civil nature over which this court has original jurisdiction pursuant to 28 USC § 1332, and the action is removable pursuant to 28 U.S.C. § 1441(b).

8. Plaintiff has asserted claims for “Declaratory Judgment/Reformation” against State Farm and Wells Fargo, and Breach of Contract against State Farm. Plaintiff alleges that her “Claim Amount” is \$250,000.00, and that she should be awarded reasonable attorney fees. Accordingly, a reasonable reading of the value of the rights being litigated exceeds, exclusive of interest and costs, the jurisdictional limit of \$75,000 under 28 U.S.C. § 1332(a).

9. Defendant is concurrently filing this Notice of Removal with the clerk of the Circuit Court for Coos County, Oregon, and providing written notice thereof to Plaintiff, in accordance with 28 U.S.C. § 1446(d).

DATED this 24th day of March, 2015.

GORDON & POLSCER, L.L.C.

/s/ Brian C. Hickman

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Attorneys for Defendant

State Farm Fire and Casualty Company

CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below, I filed the foregoing **NOTICE OF REMOVAL** with the Clerk of the Court using the CM/ECF system. I further certify that on the date indicated below, I served on the following attorneys the foregoing **NOTICE OF REMOVAL** by U.S. Mail, postage paid:

Manual C. Hernandez
P.O. Box 979
1212 Alabama, Suite 14
Bandon, OR 97411

Attorney for Plaintiff

Julie Engbloom
Lane Powell PC
601 S.W. Second Avenue, Suite 2100
Portland, OR 97204

Attorney for Defendant Wells Fargo Home Mortgage, Inc., A Division of Wells Fargo Bank, N.A.

DATED this 24th day of March, 2015.

GORDON & POLSCER, L.L.C.

/s/ Brian C. Hickman

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